

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MELDAMION ANTIONE HUGULEY,)
)
Petitioner,)
) 1:24CV808
v.) 1:18CR205-1
)
UNITED STATES OF AMERICA,)
)
Respondent.)

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a federal prisoner, submitted a Motion (Docket Entry 81) to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. This Motion cannot be further processed because court records reveal that Petitioner previously attacked the same conviction and sentence in a prior § 2255 motion [No. 1:19CV524]. Consequently, Petitioner must move in the United States Court of Appeals for the Fourth Circuit for an order authorizing this district court to consider the current Motion, as required by 28 U.S.C. § 2255 and 28 U.S.C. § 2244. See AO 243 (MDNC 10/07), Instructions, ¶ (4) (copy enclosed). Petitioner states in a Letter (Docket Entry 81-1) that he is currently seeking such permission and the docket confirms this. However, Petitioner must receive permission before filing his Motion. He does not currently have the required permission, which means that this particular Motion should be dismissed.

IT IS THEREFORE RECOMMENDED that this action be dismissed *sua sponte* for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d). There being no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability should not issue.

This, the 2nd day of October, 2024.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge